IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. REV. No.385 of 2007
MAHESH RAI @ PAPPU RAI
Versus
THE STATE OF BIHAR & ORS
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5 04.09.2008 This application has been filed against the order dated 28.02.2007 passed by the Additional Principal Judge, Family Court, Patna in Maintenance Case No. 100(M) of 2002 whereby the petitioner has been directed to pay maintenance of Rs. 2000/- per month to both the opposite parties.

Petitioner is the son and brother respectively of opposite party no. 2 and 3 of this application.

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Heard learned counsel for the petitioner.

It is submitted that the O.P. No. 3 being Sister is not entitled to get maintenance from her brother. The petitioner is also ready to keep both the O.Ps. with him but they are not willing to live with him for no reason.

Considered the submission of learned counsel for the petitioner and also perused sub-Section 5 of Section 125 of the Cr.P.C. There is provision for payment of maintenance to father and mother but there is no provision for maintenance to sister. Awarding maintenance to sister is

apparently illegal. However, the mother O.P. No. 2 is entitled to get maintenance from her son.

As per the order of the learned court below the maintenance of Rs.2, 000/- (Two thousand) has been granted to both the opposite parties.

In the facts and circumstances of the case the revision is allowed in part to the extent that the sister O.P. No. 3 is not entitled to get maintenance. Accordingly the amount of maintenance is reduced to the extent of Rs. 1,500/- per month instead of Rs. 2,000/- (Two thousand) per month.

Order accordingly.

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Kundan

(Ghanshyam Prasad, J.)